

1 KEVIN G. McCURDY (SBN 115083)
2 MARY P. McCURDY (SBN 116812)
3 McCURDY & FULLER LLP
4 4300 Bohannon Drive, Suite 240
5 Menlo Park, CA 94025
Telephone: (650) 618-3500
Facsimile: (650) 618-3599
E-mail: kevin.mccurdy@mccurdylawyers.com
E-mail: mary.mccurdy@mccurdylawyers.com

6 Attorneys for Defendant
7 THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 INTEL CORPORATION, a Delaware
11 Corporation,

CASE NO. C08 03238 JF

12 Plaintiff,
13 v.
14 THE INSURANCE COMPANY OF THE
15 STATE OF PENNSYLVANIA, a
Pennsylvania Corporation, and DOES 1
through 100, inclusive
16
17 Defendant.

18

19 The undersigned counsel for plaintiff Intel Corporation (“Intel”) and defendant The
20 Insurance Company of the State of Pennsylvania (“ICSOP”) stipulate as follows:

21 1. ICSOP may amend its answer in this action to assert an affirmative defense
22 regarding arbitration of disputes over the appropriate rate to be paid to attorneys representing Intel
23 in the underlying actions for which coverage is sought.

24 2. ICSOP may file the attached amendment to answer asserting this affirmative
25 defense.

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McCURDY & FULLER LLP
4300 Bohannon Drive, Suite 240
Menlo Park, CA 94025
(650) 618-3500

**STIPULATION AND ORDER
REGARDING AMENDMENT OF
ANSWER**

30651

- 1 -

STIPULATION AND ORDER REGARDING AMENDMENT OF ANSWER

1 Dated: October 6, 2008

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McCURDY & FULLER LLP
4300 Bohannon Drive, Suite 240
Menlo Park, CA 94025
(650) 618-3500

McCURDY & FULLER LLP

By Kevin G. McCurdy
KEVIN G. McCURDY
Attorneys for Defendant
THE INSURANCE COMPANY OF THE
STATE OF PENNSYLVANIA

Dated: October ___, 2008

HOWREY LLP

By Lester O. Brown
LESTER O. BROWN
FIONA A. CHANEY
Attorneys for Plaintiff
INTEL CORPORATION

IT IS SO ORDERED

DATED: 11/10/08


HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES
DISTRICT COURT

1 Dated: October ___, 2008

McCURDY & FULLER LLP

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4 By _____
5 KEVIN G. McCURDY
6 Attorneys for Defendant
7 THE INSURANCE COMPANY OF THE
8 STATE OF PENNSYLVANIA

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10 Dated: November 6, 2008

11 HOWREY LLP
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By _____
10 LESTER O. BROWN
11 FIONA A. CHANEY
12 Attorneys for Plaintiff
13 INTEL CORPORATION

14 IT IS SO ORDERED

15 DATED: _____

16 HONORABLE JEREMY FOGEL
17 JUDGE OF THE UNITED STATES
18 DISTRICT COURT

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5 Menlo Park, CA 94025
Telephone: (650) 618-3500
Facsimile: (650) 618-3599
E-mail: kevin.mccurdy@mccurdylawyers.com
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9 NORTHERN DISTRICT OF CALIFORNIA

10 INTEL CORPORATION, a Delaware
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15 STATE OF PENNSYLVANIA, a
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through 100, inclusive
16 Defendant.

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AMENDMENT TO ANSWER OF
DEFENDANT THE INSURANCE
COMPANY OF THE STATE OF
PENNSYLVANIA

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19 Defendant The Insurance Company of the State of Pennsylvania ("ICSOP") amends its
20 answer, which was filed in this action on or about July 3, 2008 in the Superior Court for the
21 County of Santa Clara, by adding the following affirmative defense:

22 **TWENTY SECOND AFFIRMATIVE DEFENSE**

23 ICSOP alleges that any dispute over the rates to be paid to attorneys defending Intel in the
24 underlying actions must be resolved by arbitration as required under the ICSOP policy at issue in
25 this action.

1 Dated: October ___, 2008

McCURDY & FULLER LLP

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By _____

5 KEVIN G. McCURDY

6 Attorneys for Defendant

7 THE INSURANCE COMPANY OF THE
8 STATE OF PENNSYLVANIA

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